IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 131 of 2006
Date of decision : 30.10.2006

Hardev Singh & others

....Appellants

Versus

Sudha Rani and others

...Respondents

CORAM : HON'BLE MR.JUSTICE UMA NATH SINGH
HON'BLE MR.JUSTICE MAHESH GROVER

....

Present : Mr.Iqbal Singh Mann, Advocate
for the appellants.

...

MAHESH GROVER, J.

In this appeal by the owners and driver against the award of the Motor Accident Claims Tribunal, Muktsar (Fast Track Court) dated 10.8.2005 passed in Claim Petition No.92 of 1.11.2003, the findings of the Tribunal have been assailed on the ground that the vehicle of the appellants was not involved in the accident.

We have heard the learned counsel for the appellants and have perused the award which reveals that the appellant No.1 is facing criminal proceedings which is prima facie indicative of the fact of his involvement and the incriminating material found by the police against him. That apart, the said appellant has obliquely admitted the factum of the accident when in his testimony and pleadings he stated that the lights of the tractor were functional in order to belie the version of the accident as set up by

the claimants who said that the tractor was being plied without lights. The pendency of a criminal case is prima facie indicative of the involvement of the vehicle which is sufficient to invite the liability under the Motor Vehicles Act if by attending circumstances the negligence is also proved.

For the reasons stated above, there is no infirmity in the award of the Tribunal and the appeal is accordingly dismissed.

(MAHESH GROVER)
JUDGE

30.10.2006

(UMA NATH SINGH)
JUDGE

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